



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kelly Good)	Examiner: Newhouse, Nathan
)	Jeffrey
Serial No.:	10/606,627)	Art Unit: 3727
Filed:	06/25/2003)	Attorneys Ref.: P214379
Title:	HOLDING APPARATUS AND METHOD)	
	FOR DISPENSERS OF HARDENABLE)	
	MATERIALS)	

DECLARATION OF BRIAN BOCHET

I, Brian Bochet, having a home address of 1719 Pebble Beach Trail, Bellingham, Washington 98226, state and aver the following:

1. I have been asked by Mr. Kelly Good, the Applicant named in this U.S. Patent Application Serial No. 10/032,780, to comment on certain matters of which I have knowledge. I hereby declare that all statements herein made of my own knowledge are true and that all statements herein made on information and belief are believed to be true.
2. I am currently President with Heritage Homes, Inc. I have been in the building for approximately 15 years. I consider myself of at least ordinary skill in the construction trade. In addition, I have no financial relationship with Kelly Good nor any financial interest in the invention claimed in the '780 application.
3. I have had a chance to look at U.S. Patent Nos. 6,491,191 to Cleveland, 5,295,601 to Bostelman, 5,302,302 to Shelley et al., and 4,588,116 to Litman.
4. For approximately 2 ½ years, I have used a product sold under the trademark Caulked N' Ready. I recall the first time I saw the Caulked N' Ready holder and remember thinking how awesome this product was. I instantly thought of how I would no longer have to search for a nail to plug the tip of my tube of caulking. The caulk always dries and hardens around the nail, you have to cut the tip and then no longer have the amount of caulk coming out of the tube that you

want. Now you can also hang a tube of caulk without worrying about it dripping on anything below. I think everyone from the contractor to the do-it-yourself person will benefit from it.

5. The Caulked N' Ready product is a holder configured to hold dispensing guns for product cartridges containing materials such as adhesives and caulking materials. The Caulked N' Ready product comprises a holding structure defining a side wall and a bottom wall. The structure defines a main opening and a holding chamber, and a plug projection extends from the bottom wall into the holding chamber. The holding chamber is sized and dimensioned to receive the product cartridge. The Caulked N' Ready product thus has the tip or plug projection attached to the storage/work tube or holding structure.

6. I do not think that the Cleveland and Bostelman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 5 above. In particular, the Bostelman device is intended to engage the tip of the product cartridge directly and not to be attached to a holster such as the holster shown in the Cleveland patent. The Bostelman and Cleveland devices are totally different products, and in my opinion one of ordinary skill in the art would not be motivated to combine these products by attaching the plug projection or tip of the Bostelman patent with the holding structure or storage/work tube of the Cleveland patent.

7. The Caulked N' Ready product further has at least one wall opening formed in the holding structure adjacent to the plug projection.

8. I further do not think that the Cleveland, Bostelman, and Shelley patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 7 above. Again, I do not believe that one of ordinary skill in the art would modify either the Cleveland or the Shelley holster to incorporate the Bostelman device. Further, the blind slot 18 in the Shelley holster is provided only to allow the aerosol container stored therein to be lifted and not to provide access to a plug projection.

9. The Caulked N' Ready product further has a plurality of guide ribs that extend from the side wall into the holding chamber. When the product cartridge is placed into the holding chamber, at least one of the guide ribs engages a portion of the dispensing

system to facilitate entry and withdrawal of the plug projection into the dispensing opening.

10. I further do not think that the Cleveland, Bostelman, and Litman patents, taken alone or in combination, disclose, teach, or suggest to one of ordinary skill in the art the Caulked N' Ready product as described in paragraph 9 above. The Litman patent discloses ribs 30, but describes these ribs 30 as being flexible to facilitate a snug fit and ease of withdrawal of the item stored in the holster 10. The ribs described in the Litman patent are not guides, and certainly do not disclose, teach, or suggest the a structure that would facilitate entry of the plug projection into the dispensing opening.

11. In summary, I don't see how one of ordinary skill in the art would take parts from various patent disclosures and put them together in a way that would come up with the Caulked N' Ready holder.

12. I do not see in any of the drawings of the patented items, anything similar to Caulked N' Ready. This product ingeniously incorporates storage with a working tool.

13. I, Brian Bochet, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXECUTED this _____ day of August, 2005.

Brian Bochet